

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

JUL 29 2004

PAT & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte KENNETH J. PETTIPIECE and WILLIAM B. AMOS

Application No. 09/536,932

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

Adjustment date: 10/20/2004 AJOHNS01  
05/09/2003 PBRITTON 00000001 201430 09536932  
01 FC:2252 410.00 CR

This application was electronically received at the Board of

Patent Appeals and Interferences on May 25, 2004. A review of  
the application has revealed that the application is not ready

for docketing as an appeal. Accordingly, the application is

Adjustment date: 10/20/2004 AJOHNS01  
05/09/2003 PBRITTON 00000002 201430 09536932  
01 FC:2401 160.00 CR

being electronically returned to the examiner. The  
matters requiring attention prior to docketing are identified  
below.

On March 27, 2000, appellants filed an Information

Disclosure Statement (IDS). It is not clear from the record

10/20/2004 AJOHNS01 00000008 201430 09536932  
01 FC:1401 320.00 DA  
02 FC:1252 410.00 CR

whether the examiner considered the IDS statement(s) submitted or  
whether the examiner notified appellants of why their submission  
did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/536,932

Also, on May 5, 2003, appellants filed a Notice of Appeal. A review of the file reveals that a small entity fee of \$160.00 was applied to the Notice of Appeal. The correct fee of \$320.00 should have been charged for the Notice of Appeal. Before further review of this file, the correct Notice of Appeal fee must be applied to the appellants' account.


Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement filed March 27, 2000; 2) appropriate notification by the examiner to appellants of such consideration; 3) entry of the correct Notice of Appeal fee; and 4) for such further action as may be appropriate.

Application No. 09/536,932

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DMS/tdl/mh  
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